

### IN THE DRAWINGS

The attached drawing sheet includes changes to Figure 3b. This sheet, which includes Figure 3b, replaces the original sheet including Figure 3b. In Figure 3b, the previously omitted phrase “and/or arm length” has been added in blocks 322 and 325. No new matter is added.

Attachment: Replacement Sheet

## REMARKS

The foregoing amendment is to impart greater clarity to the claims rather than to avoid prior art.

Applicants respectfully request reconsideration of this application as amended. Claims 9-48 are pending in the application; Claims 9-16 and 26-38 are withdrawn by the Examiner from consideration; Claims 17-25 and 39-48 are rejected; and Claims 22-25 and 45 are objected to.

Applicant respectfully notes that in the Office Action mailed December 14, 2005, interpretations or characterizations by the Examiner include inferences and/or potential limitations, to which Applicant does not wholly agree. Being respectful of the Examiner's time, Applicant will not address all such interpretations or characterizations in this paper. Applicant reserves future rights to dispute any portion or all of said interpretations or characterizations if it becomes necessary.

### Specification and Drawings

In the Office Action mailed December 14, 2005, the drawings are objected to under 37 CFR 1.83(a). The "frequency adjustment circuit" in claims 22-25 must be shown or the feature(s) canceled from the claims; changing a length of an arm of a Sagnac Interferometer to adjust the phase in claim 45 must be shown or the feature(s) canceled from the claim. The specification is also objected to because of similar reasons.

Accordingly, the specification and drawings have been amended to comply with the Examiner's requirements. No new matter is introduced.

### Withdrawn Claims

In response to the Examiner's restriction of July 13, 2005, Applicant respectfully indicated an election of the following group of claims to be examined for the referenced application:

Group II as claimed in Claims 9-40 and Claims 41-48.

In response to the Examiner's requirement under 35 USC 121, Applicant respectfully indicated an election of the species B, of claims 17-25 and 39-40 for prosecution on the merits in the referenced application in the event that no generic claim is finally held to be allowable. Claim 9 was indicated to be generic.

The Examiner has withdrawn Claims 9-16 and 26-38 from consideration without examination or any indication of the allowability of generic Claim 9. Therefore, Applicant respectfully request that Claim 9 be examined and finally rejected before prosecution on the merits be restricted to species B.

### Rejected Claims

Claims 22-25 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the "frequency adjustment circuit" was not disclosed.

Applicant respectfully disagrees and submits that the original claims as filed are also part of the disclosure, and as such, are inherently commensurate in the scope with the subject matter set forth in the claims. Never the less, the specification and drawings have been amended to more particularly point out such originally claimed subject matter. No new matter is introduced.

Claims 17-19 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,836,621 to Bendelli.

The Examiner notes that Bendelli does not state that phase control element 7 controls the power of the signal as set forth in Claims 17 and 41. The Examiner further suggests that it would be obvious to one skilled in the art to use a phase control element to control the power of the signal, citing applicant's disclosure at paragraph [0026] as a suggestion for using constructive/destructive interference to control power.

Therefore, Applicant respectfully submits that without viewing the prior art in retrospect with the aid of appellant's disclosure, no suggestion is provided by Bendelli for doing what Applicant has done. Accordingly, Applicant requests the Examiner withdraw the rejection of Claims 17-19 and 41-48 under 35 U.S.C. 103(a).

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendelli in view of U.S. Patent 5,999,292 to Dennis.

As stated above, the Examiner admits that Bendelli does not suggest the use of phase control element 7 to control the power of added or dropped signals as set forth in Claim 39. Nor does Dennis provide such a suggestion.

Further Dennis is directed to optical time division multiplexing (OTDM) (co. 2, lines 4-30. On the other hand, Claim 39 sets forth a wave-division multiplexing (WDM) system, which is fundamentally different than the OTDM multiplexer of Dennis.

Therefore, Applicant respectfully suggests that a modified multiplexer of Dennis would not be expected to perform WDM instead of OTDM. Hence the combination of Bendelli and Dennis to arrive at the invention set forth in Claim 39 is not obvious.

Accordingly, Applicant requests the Examiner withdraw the rejection of Claims 39-40 under 35 U.S.C. 103(a).

Applicant believes that the dependant claims are also allowable at least due to their dependence from a patentable independent claim.

Therefore, Applicant believes that Claims 9-48 are presently in condition for allowance and such action is earnestly solicited.

CONCLUSION

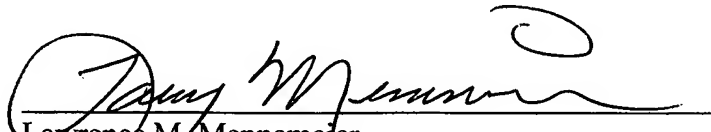
Applicants respectfully submit the amended specification, the amended drawings, and the present claims for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Lawrence Mennemeier at (408) 765-2194.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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